

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
Criminal Bail Application No. S- 393 of 2026

Applicant: Mubeen Ahmed through Mr. Mehboob Ali Wassan, Advocate.

State: Through Syed Sardar Ali Shah, Additional Prosecutor General.

Complainant: Muhammad Murad S/o Allah Dino Wassan through Mr. Abdul Hussain Shambani, Advocate.

Date of Hearing: 13.07.2026

Date of Order: 13.07.2026

ORDER

Zulfiqar Ali Sangi, J.- The applicant/accused Mubeen Ahmed has sought confirmation of the interim pre-arrest bail granted to him by this Court in connection with Crime No.08 of 2026, registered at Police Station Kumb, District Khairpur, for offences punishable under Sections 380 and 457, P.P.C. It is pertinent to mention that the earlier application for pre-arrest bail filed by the applicant before the learned Additional Sessions Judge-IV, Khairpur, was dismissed vide order dated 18.02.2026, whereby the concession of pre-arrest bail was declined.

2. The facts and circumstances giving rise to the present prosecution have already been comprehensively narrated in the bail application as well as in the copy of the F.I.R. annexed therewith. Therefore, in order to avoid unnecessary repetition and prolixity, the same are not being reproduced herein. In this regard, reliance is placed upon the dictum laid down by the Honourable Supreme Court of Pakistan in *Muhammad Shakeel v. The State and others* (PLD 2014 SC 458), wherein it has been held that reproduction of the contents of the F.I.R. in judicial orders is not an indispensable requirement when the relevant facts are otherwise available on the record.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated in the present case due to mala fide and ulterior motives. He submitted that there is unexplained delay of six days in lodging the F.I.R., despite the police station being situated at a short distance from the place of occurrence, which prima facie reflects consultation and deliberation

before registration of the case. He further argued that the occurrence allegedly took place during odd hours of night and the identification of the accused is stated to have been made in torchlight, which is admittedly the weakest type of evidence and requires deeper appreciation during trial. It was further contended that all the prosecution witnesses are closely related to the complainant and are interested witnesses. Learned counsel also submitted that no specific role has been attributed to the applicant except general allegations and no recovery has been effected from him. He further argued that co-accused Muharam alias Mehroo, whose role in the F.I.R. is identical and similar to that of the present applicant, has already been admitted to post-arrest bail by the learned Civil Judge & Judicial Magistrate-I, Kotdiji, vide order dated 22.04.2026, therefore, on the rule of consistency, the present applicant is also entitled to the same relief. Lastly, it was submitted that the applicant has remained on interim pre-arrest bail and has not misused the concession in any manner; therefore, the interim pre-arrest bail may kindly be confirmed.

4. Learned counsel for the complainant opposed the confirmation of interim pre-arrest bail and contended that the applicant is specifically nominated in the F.I.R. with the allegation of having participated in the commission of the alleged offence. He, therefore, prayed for dismissal of the present application.

5. Learned Additional Prosecutor General, however, submitted that in view of the fact that co-accused Muharam alias Mehroo, having similar role as that of the present applicant, has already been granted post-arrest bail by the learned Civil Judge & Judicial Magistrate-I, Kotdiji, vide order dated 22.04.2026, he concedes to the confirmation of interim pre-arrest bail already granted to the applicant.

6. I have heard the learned counsel for the parties at considerable length and have carefully examined the available material with their able assistance.

7. Tentative assessment of the record reflects that the applicant has been nominated in the F.I.R. along with co-accused persons on allegations of committing theft of cattle from the cattle shed of the complainant during night hours. The occurrence is alleged to have

been witnessed in torchlight amidst heavy fog, while the prosecution case further discloses that the F.I.R. came to be lodged after a delay of six days. Though the complainant has attempted to explain such delay by stating that he had initially approached the elders of the accused persons for return of the stolen cattle, yet the effect and evidentiary value of such explanation are matters requiring appreciation during trial.

8. The most significant circumstance which weighs with this Court is that co-accused Muharam alias Mehroo, who has been assigned a role identical and similar to that of the present applicant in the very same F.I.R., has already been admitted to post-arrest bail by the learned Civil Judge & Judicial Magistrate-I, Kotdiji, vide order dated 22.04.2026. The said order reveals that the learned trial Court, after tentative assessment of the available material, found no sufficient grounds to further detain the said co-accused and extended to him the concession of bail. The role attributed to the present applicant is not distinguishable from that of the said co-accused. Therefore, on the principle of consistency, which is a well-recognized principle governing bail matters, the present applicant cannot be denied the same relief in the absence of any exceptional distinguishing circumstance.

9. It is also an admitted position that the applicant has remained on interim pre-arrest bail granted by this Court. Nothing has been brought on record to suggest that during the subsistence of interim bail he has misused the concession, attempted to abscond, tampered with the prosecution evidence, or influenced any prosecution witness. The object of pre-arrest bail is to protect an accused from unnecessary humiliation and harassment where the circumstances so justify, and each case is to be examined on its own peculiar facts.

10. In view of the above discussion and tentative assessment of the available material, particularly the concession of post-arrest bail already extended to co-accused Muharam alias Mehroo having identical role, the rule of consistency, the nature of the allegations, and the fact that the applicant has not misused the concession of interim pre-arrest bail, I am of the considered view that the applicant

has succeeded in making out a case for confirmation of interim pre-arrest bail.

11. Consequently, the interim pre-arrest bail granted to the applicant Mubeen Ahmed by this Court is hereby confirmed on the same terms and conditions. The bail bonds furnished by the applicant shall remain intact till conclusion of the trial, subject to compliance with all legal requirements.

12. It is clarified that all observations made herein are purely tentative in nature, confined exclusively to the disposal of the present pre-arrest bail application, and shall not prejudice or influence the learned trial Court, which shall decide the case strictly on the basis of the evidence produced before it and in accordance with law.

JUDGE

Naveed Ali